Environmental Assessment Checklist

Project Name: Clearwater Junction Reciprocal Access Agreement
Proposed Implementation Date: July 2016
Proponent: Clearwater Unit, Southwestern Land Office, Montana DNRC
County: Missoula

Type and Purpose of Action

Description of Proposed Action:
Clearwater Unit of the Montana Department of Natural Resources and Conservation (DNRC) is proposing the Clearwater Junction Reciprocal Access Agreement. The project is located south of Clearwater Junction in Sections 2, 3, 4, 9, 10, 11, 15 & 16 Township 14 North, Range 14 West (refer to A-2: Reciprocal Access Agreement Project Area map) and includes the following DNRC-managed sections:

Beneficiary	Legal Description	Total Acres	Miles of Road
Common Schools	**SW ¼ NW ¼ Section 10, E ½ Section 16, T14N R14W**	**360**	**2.60**
Capitol Buildings	**N ½ NE ¼ Section 10, T14N R14W**	**80**	**0.74**
Pine Hills School	**W ½ Section 2, SE ¼ Section 4, T14N R14W**	**490**	**1.51**

As well as portions of the following private lands held by the Land M. Lindbergh Grandchildren Family, Erin Elizabeth Lindbergh LTD Partnership, Peter Morrow Lindbergh LTD Partnership and O.W. Potter Jr. Exemption Trust:

Sections 3, 9, 10, 11, 15 and 16; T14N R14W totaling approximately 1,390 acres.

The objective of the proposed reciprocal access agreement is to acquire legal road access rights and to provide improved road access for uses consistent with conservation easement restrictions applicable to the properties listed above.

Proposed activities include:

Action	Quantity
Proposed Road Activities	# Miles
New permanent road construction	0.71
Road maintenance	8.19
Other Activities	
Access received by DNRC	4.05
Access granted by DNRC	4.85

Duration of Activities:	Permanent easements
Implementation Period:	Summer 2016

The lands involved in this proposed project are held in trust by the State of Montana. (Enabling Act of February 22, 1889; 1972 Montana Constitution, Article X, Section 11). The Board of Land Commissioners and DNRC are required by law to administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run for the beneficiary institutions (Section 77-1-202, MCA).

DNRC manages the lands involved in this project in accordance with:

- The State Forest Land Management Plan (DNRC 1996),
- Administrative Rules for Forest Management (ARM 36.11.401 through 471),
- The Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) (DNRC 2010),
- The Blackfoot River Conservation Easement (FWP & DNRC 1983) and
- All other applicable state and federal laws.

Project Development

SCOPING:

- DATE:
  - December 22, 2015

- PUBLIC SCOPED:
  - Adjacent landowners, grazing and land use licensees, The Nature Conservancy

- AGENCIES SCOPED:
  - FWP, Missoula County

- COMMENTS RECEIVED:
  - How many: 2 comments and 1 request for additional information.

  - Comments and requests:
    1) Jack Mulcare made a request that the gates in Section 2 remain "in the condition they were found" upon passing through them (i.e. If found to be closed, then close the gate once you're through it).
    2) FWP noted that they had no objections to the project provided that the conditions of the conservation easement in Section 16 are being met.
    3) Missoula County requested additional information regarding the details of the reciprocal access agreement.

  - Results:
    1) Project to proceed as proposed with language in the reciprocal access agreement or easement addressing the matter.
    2) FWP will have an opportunity to review the applicable easements to ensure that the provisions of the conservation easement in Section 16 are being met.
    3) Missoula County received an additional map as well as reciprocal access agreement examples.

DNRC specialists were consulted, including: Norm Kuennen, Lisa Axline, Ed Hansen, Garrett Schairer, Jeff Collins, and Patrick Rennie.

Internal and external issues and concerns were incorporated into project planning and design and will be implemented in associated contracts.

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:
(Conservation Easements, Army Corps of Engineers, road use permits, etc.)

- **United States Fish & Wildlife Service-** DNRC is managing the habitats of threatened and endangered species on this project by implementing the Montana DNRC Forested Trust Lands HCP and the associated Incidental Take Permit that was issued by the United States Fish & Wildlife Service (USFWS) in February of 2012 under Section 10 of the Endangered Species Act. The HCP identifies specific conservation strategies for managing the habitats of grizzly bear, Canada lynx, and three fish species: bull trout, westslope cutthroat trout, and Columbia redband trout. This project complies with the HCP. The HCP can be found at http://dnrc.mt.gov/divisions/trust/forest-management/hcp .

- **Montana Department of Environmental Quality (DEQ) -** DNRC is classified as a major open burner by DEQ and is issued a permit from DEQ to conduct burning activities on state lands managed by DNRC. As a major open-burning permit holder, DNRC agrees to comply with the limitations and conditions of the permit.

- **Montana/Idaho Airshed Group-** DNRC is a member of the Montana/Idaho Airshed Group which was formed to minimize or prevent smoke impacts while using fire to accomplish land management objectives and/or fuel hazard reduction (Montana/Idaho Airshed Group 2006). The Group determines the delineation of airsheds and impact zones throughout Idaho and Montana. Airsheds describe those geographical areas that have similar atmospheric conditions; while impact zones describe any area in Montana or Idaho that the Group deems smoke sensitive and/or having an existing air quality problem (Montana/Idaho Airshed Group 2006). As a member of the Airshed Group, DNRC agrees to burn only on days approved for good smoke dispersion as determined by the Smoke Management Unit.

- **Montana Department of Fish, Wildlife and Parks (FWP) -** A Stream Protection Act Permit (124 Permit) may be required from FWP for activities that would affect the natural shape and form of a stream's channel, banks, or tributaries. There is a conservation easement in place on Section 16 that is held by FWP as well.

ALTERNATIVES CONSIDERED:

No-Action Alternative: Continue temporary authorization for use of roads on state trust land and adjacent landowner roads, a lost opportunity for improved legal access to state trust land and adjacent private land.

Action Alternative: Implement a reciprocal access agreement between DNRC and adjacent landowners to acquire permanent legal road access rights and to provide improved road access to both trust and private lands.

Impacts on the Physical Environment

Evaluation of the impacts on the No-Action and Action Alternatives including **direct, secondary, and cumulative** impacts on the Physical Environment.

VEGETATION:

Vegetation Existing Conditions: Existing vegetation is a mix of forest and grasslands. Some noxious weeds are present as well.

No-Action Alternative: No change in vegetation would result.

Action Alternative: Low direct impacts to the existing vegetative community are expected to occur as a result of 4,801 feet of proposed new road construction: 3,722 feet included in the reciprocal access agreement as well as 1,079 feet of additional road in SE ¼ Section 4. This would result in approximately 3.3 acres of disturbance over the 2,320 acres associated with the DNRC-managed and private lands included within the reciprocal access agreement project area.

No Secondary or Cumulative Impacts are expected to occur as a result of the Action Alternative.

Vegetation	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Noxious Weeds	X				X				X					
Rare Plants	X				X				X					
Vegetative community	X				X				X					
Old Growth	X				X				X					
Action														
Noxious Weeds	X				X				X					
Rare Plants	X				X				X					
Vegetative community		X			X				X				Yes	
Old Growth	X				X				X					

Comments:

Vegetation Mitigations: Grass seeding the new road construction is expected to mitigate for disturbance to the vegetative community through minimization of noxious weed establishment. The small amount of disturbance associated with the new road construction is otherwise not expected to alter the landscape vegetative communities.

SOIL DISTURBANCE AND PRODUCTIVITY:

Soil Existing Conditions: Existing soil conditions are consistent with active resource management as well as limited low density residential development on the private land, disturbance has occurred but overall soil productivity is at acceptable levels.

No-Action Alternative: No change in soil disturbance and productivity would result, existing roads would continue with some erosion consistent with the intensity of road use and levels of road maintenance .

Action Alternative: Low direct impacts to physical disturbance, erosion, slope stability, and soil productivity are expected to occur as a result of 4,801 feet of proposed new road construction: 3,722 feet included in the reciprocal access agreement as well as 1,079 feet of additional road in SE ¼ Section 4. This would result in approximately 3.3 acres of disturbance over the 2,320 acres associated with the DNRC-managed and private lands included within the reciprocal access agreement project area. One stretch of proposed new road construction would replace a portion of existing road within a draw, thus resulting in a net positive impact to soils. Existing road use, resource management, residential use, and their associated soil impacts are not expected to appreciably change.

Development of shared road systems is likely to result in a reduced cumulative amount of road disturbance on the landscape. Sharing road maintenance responsibilities is anticipated to reduce overall costs and result in better maintained roads. No Secondary or Cumulative Impacts are expected to occur as a result of the Action Alternative.

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Physical Disturbance (Compaction and Displacement)	X				X				X					
Erosion		X				X			X				Yes	
Nutrient Cycling	X				X				X					
Slope Stability	X				X				X					
Soil Productivity	X				X				X					
Action														
Physical Disturbance (Compaction and Displacement)		X			X				X				Yes	
Erosion		X				X			X				Yes	
Nutrient Cycling	X				X				X					
Slope Stability		X			X				X				Yes	
Soil Productivity		X			X				X				Yes	

Comments:

Soil Mitigations: New road construction would have adequate drainage installed and disturbed areas would be grass seeded which is expected to mitigate for disturbance by providing timely vegetative cover and minimization of noxious weed establishment. A segment of existing road will be relocated away from an existing draw to comply with Best Management Practice Standards and will reduce existing impacts to soils at this location. The small amount of disturbance associated with the new road construction is otherwise not expected to impact overall soil disturbance, erosion, stability or productivity.

WATER QUALITY AND QUANTITY:

Water Quality and Quantity Existing Conditions: Ephemeral, intermittent, and perennial streams or rivers are present at the project area, most notably, the Blackfoot River. Groundwater is present at varying depths as well.

No-Action Alternative: There are no stream cossings or sources of sediment delivery to surface waters. No effects to water quality and quantity would occur.

Action Alternative: No new stream crossings and no effects to water quality and quantity would occur.

Water Quality & Quantity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Water Quality	X				X				X					
Water Quantity	X				X				X					

Water Quality & Quantity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Action														
Water Quality	X				X				X					
Water Quantity	X				X				X					

Comments:

Water Quality & Quantity Mitigations: None needed.

FISHERIES:

Fisheries Existing Conditions: Fisheries resources exist within the larger project area, specifically those species present within the Blackfoot River.

No-Action Alternative: There are no stream crossings or sources of sediment delivery to surface waters. No effects to fisheries would occur.

Action Alternative: No new stream crossings are planned and there are no sources of sediment delivery to surface waters. No effects to water quality or fish habitat would occur similar to no-action.

Fisheries	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Sediment	X				X				X					
Flow Regimes	X				X				X					
Woody Debris	X				X				X					
Stream Shading	X				X				X					
Stream Temperature	X				X				X					
Connectivity	X				X				X					
Populations	X				X				X					
Action														
Sediment	X				X				X					
Flow Regimes	X				X				X					
Woody Debris	X				X				X					
Stream Shading	X				X				X					
Stream Temperature	X				X				X					
Connectivity	X				X				X					
Populations	X				X				X					

Comments:

Fisheries Mitigations: None needed.

WILDLIFE:

Wildlife Existing Conditions: Multiple wildlife species exist in the project area. Species include but are not limited to: grizzly bear, bald eagle, gray wolf, pileated woodpecker, elk, white-tailed deer and mule deer. One gated, private driveway is utilized in the north portion of Section 16. However, use isn't expected to change regardless of the alternative selected.

No-Action Alternative: No changes to wildlife would result. No effects to threatened, endangered, sensitive wildlife, or big game species would result.

Action Alternative: Actions would comply with the Plans, Rules, Easements, and applicable state and federal laws (see page 2). No appreciable changes to existing habitats or terrestrial wildlife use would be anticipated with the proposed road uses. Negligible amounts of habitats could be altered with the proposed road construction; similarly minor disturbance could occur to wildlife in the area during the proposed shot-duration of construction. No appreciable changes in levels of human use of the roads would be expected, thus potential for disturbance to wildlife from road use would not change appreciably. In general, proposed activities would have negligible effects to wildlife in the vicinity.

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Action														
Threatened and Endangered Species														
Grizzly bear *(Ursus arctos)* Habitat: Recovery areas, security from human activity	X				X				X				**Yes**	
Canada lynx *(Felix lynx)* Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	X				X				X					
Wolverine *(Gulo gulo)*	X				X				X					
Sensitive Species														
Bald eagle *(Haliaeetus leucocephalus)* Habitat: Late-successional forest within 1 mile of open water	X				X				X					
Black-backed woodpecker *(Picoides arcticus)* Habitat: Mature to	X				X				X					

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
old burned or beetle-infested forest														
Coeur d'Alene salamander *(Plethodon idahoensis)* Habitat: Waterfall spray zones, talus near cascading streams	X				X				X					
Columbian sharp-tailed grouse *(Tympanuchus Phasianellus columbianus)* Habitat: Grassland, shrubland, riparian, agriculture	X				X				X					
Common loon *(Gavia immer)* Habitat: Cold mountain lakes, nest in emergent vegetation	X				X				X					
Fisher *(Martes pennanti)* Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	X				X				X					
Flammulated owl *(Otus flammeolus)* Habitat: Late-successional ponderosa pine and Douglas-fir forest	X				X				X					
Gray Wolf *(Canis lupus)* Habitat: Ample big game populations, security from human activities	X				X				X					
Harlequin duck *(Histrionicus histrionicus)* Habitat: White-water streams, boulder and cobble substrates	X				X				X					
Northern bog lemming *(Synaptomys borealis)* Habitat: Sphagnum meadows, bogs, fens with thick moss mats	X				X				X					
Peregrine falcon *(Falco peregrinus)* Habitat: Cliff features near open foraging	X				X				X					

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
areas and/or wetlands														
Pileated woodpecker *(Dryocopus pileatus)* Habitat: Late-successional ponderosa pine and larch-fir forest	X				X				X					
Townsend's big-eared bat *(Plecotus townsendii)* Habitat: Caves, caverns, old mines	X				X				X					
Big Game Species														
Elk	X				X				X					
White-tailed deer	X				X				X					
Mule deer	X				X				X					
Other	X				X				X					

Comments:

Wildlife Mitigations: All roads are currently gated and would continue to be gated following the proposed action. Thus, public use is restricted to non-motorized use only. DNRC commercial forestry activities will be restricted from April 1 to June 15 for grizzly bear spring habitat closures.

AIR QUALITY:

Air Quality Existing Conditions: Air quality in the project area is consistent with conditions associated with resource management and limited residential development. Smoke and dust conditions vary depending on activities.

No-Action Alternative: No effects to air quality are expected.

Action Alternative: No effects to air quality are expected.

Air Quality	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Smoke	X				X				X					
Dust	X				X				X					
Action														
Smoke	X				X				X					
Dust	X				X				X					

Comments:

Air Quality Mitigations: None needed.

ARCHAEOLOGICAL SITES / AESTHETICS / DEMANDS ON ENVIRONMENTAL RESOURCES:

Existing Conditions: Historical uses including resource management and homesteading have occurred within the project area. While no specific archaeological sites have been noted, it is expected that some may be present. Current aesthetics are consistent with resource management. Signs of management such as varying tree densities and road prisms are visible across the landscape. Demands on environmental resources are consistent with resource management and limited residential use.

No-Action Alternative: No effects to archaeological sites, aesthetics, or demands on environmental resources are expected.

Action Alternative: No effects to archaeological sites, aesthetics, or demands on environmental resources are expected. A site inspection of the proposed new construction would occur prior to soil disturbance.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Historical or Archaeological Sites	X				X				X					
Aesthetics	X				X				X					
Demands on Environmental Resources of Land, Water, or Energy	X				X				X					
Action														
Historical or Archaeological Sites	X				X				X					
Aesthetics	X				X				X					
Demands on Environmental Resources of Land, Water, or Energy	X				X				X					

Comments: Patrick Rennie, DNRC Archeologist, requested a field visit to the proposed new construction sites on DNRC prior to ground disturbance.

Mitigations: Patrick Rennie will be provided that opportunity to survey the proposed new construction sites on DNRC to address any impacts to historical or archeological resources.

OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: *List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

- Conservation easements held by The Nature Conservancy are in place on the private lands associated with the reciprocal access agreement project area.

Impacts on the Human Population

Evaluation of the impacts on the proposed action including **direct, secondary, and cumulative** impacts on the Human Population.

Existing Conditions: Resource management, including timber harvest and grazing, as well as limited residential development occur within the project area.

No-Action Alternative: No effects to the Human Population are expected.

Action Alternative: Low Direct Impacts to the local tax base and tax revenues may occur if private property values associated with the project area increase as a result of acquiring legal access.

No Secondary or Cumulative Impacts are expected to occur as a result of the Action Alternative.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Health and Human Safety	X				X				X					
Industrial, Commercial and Agricultural Activities and Production	X				X				X					
Quantity and Distribution of Employment	X				X				X					
Local Tax Base and Tax Revenues	X				X				X					
Demand for Government Services	X				X				X					
Access To and Quality of Recreational and Wilderness Activities	X				X				X					
Density and Distribution of population and housing	X				X				X					
Social Structures and Mores	X				X				X					
Cultural Uniqueness and Diversity	X				X				X					
Action														
Health and Human Safety	X				X				X					
Industrial, Commercial and Agricultural	X				X				X					

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Activities and Production														
Quantity and Distribution of Employment	X				X				X					
Local Tax Base and Tax Revenues		X			X				X					
Demand for Government Services	X				X				X					
Access To and Quality of Recreational and Wilderness Activities	X				X				X					
Density and Distribution of population and housing	X				X				X					
Social Structures and Mores	X				X				X					
Cultural Uniqueness and Diversity	X				X				X					

Comments: The area is currently enrolled in block management for hunting during the general big game season. No changes are anticipated as a result of the proposed action.

Mitigations: None needed.

Locally Adopted Environmental Plans and Goals: *List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

- Blackfoot River Corridor Landowner agreement – no impacts due to proposed action.

Other Appropriate Social and Economic Circumstances:
Costs, revenues and estimates of return are estimates intended for relative comparison of alternatives. They are not intended to be used as absolute estimates of return.

No-Action Alternative: No effects to the Other Appropriate Social and Economic Circumstances are expected, there wouldn't be any return to the trust at this time.

Action Alternative: The reciprocal access agreement would generate short-term and long-term revenue for the Common Schools, Capital Buildings, and Pine Hills School Trusts. Acquiring permanent access rights would enhance property values and afford opportunities to obtain title insurance. Securing permanent access rights would alleviate a management uncertainty and would encourage management decisions (including investments) based upon longer term opportunities. Having assurances of perpetual access would also reduce the need to consider disposing of potentially inaccessible (unproductive) land.

Does the proposed action involve potential risks or adverse effects that are uncertain but extremely harmful if they were to occur?
No.

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?
No.

Environmental Assessment Checklist Prepared By:

Name: Kristen S. Baker-Dickinson
Title: Clearwater Unit Manager
Date: May 2, 2016

Finding

Alternative Selected

I select the action alternative.
As noted in the Soil Disturbance and Productivity section (pages 4 & 5), this alternative involves development of shared road systems and is likely to result in a reduced cumulative amount of road disturbance on the landscape. Sharing road maintenance responsibilities is anticipated to reduce overall costs and result in better maintained roads. In addition, as noted in the Other Appropriate Social and Economic Circumstances section (page 12), the reciprocal access agreement would generate short-term and long-term revenue for the Common Schools, Capital Buildings, and Pine Hills School Trusts. Acquiring permanent access rights would enhance property values and afford opportunities to obtain title insurance. Securing permanent access rights would alleviate a management uncertainty and would encourage management decisions (including investments) based upon longer term opportunities. Having assurances of perpetual access would also reduce the need to consider disposing of potentially inaccessible (unproductive) land.

Significance of Potential Impacts

Implementation of the action alternative would not result in significant environmental impacts.

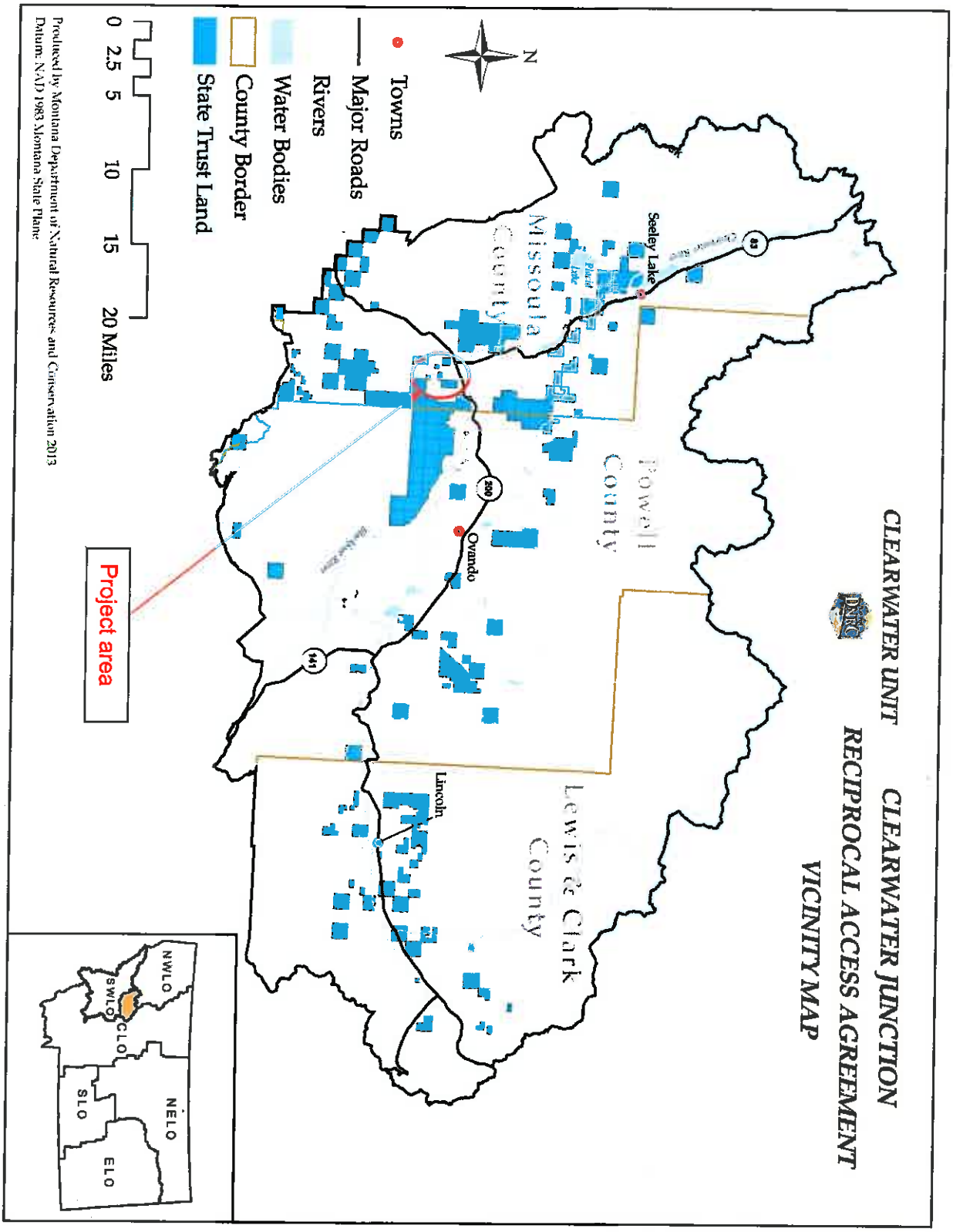
Need for Further Environmental Analysis

[ ]	EIS	[ ]	More Detailed EA	[X]	No Further Analysis

Environmental Assessment Checklist Approved By:
Name: Robert H. Storer
Title: SW Land Office Trust Lands Program Manager
Date: June 1, 2016
Signature: Robert H Storer

Attachment A- Maps

A-1: Reciprocal Access Agreement Vicinity Map



A-2: Reciprocal Access Agreement Project Area map